IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

A. O. NO. 596 OF 2006

Balkrishna Govind Joil & Anr. ... Appellant
VS.
Bajirao D. Mungekar & anr. ... Respondents

Mr. J. S. Chandnani with H.V. Kode for appellant.
Mr. J.K. Hegde for respondent no.1.
Mr. Bharat Joshi for respondent no.2.

CORAM: D. G. KARNIK **J.**

DATE: 28th September 2006

P.C.:

1. Heard learned counsel for the parties
2. Mr. Joshi for respondent no.2 submits that the order passed is not appellable under section 104 read with Order 43 of Civil Procedure Code. In view of this learned counsel for the appellant seeks leave to withdraw the appeal with liberty to challenge the impugned order before the appropriate forum in appropriate proceedings. Leave granted. Appeal disposed of as withdrawn.

(D.G. KARNIK J.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

Civil application No. 778 of 2006
in
A. O. NO. 596 OF 2006

Balkrishna Govind Joil & Anr. ... Appellant
VS.
Bajirao D. Mungekar & anr. ... Respondents

Mr. J. S. Chandnani with H.V. Kode for appellant.
Mr. J.K. Hegde for respondent no.1.
Mr. Bharat Joshi for respondent no.2.

CORAM: D. G. KARNIK **J.**

DATE: 28th September 2006

P.C.:

In view of the disposal of the appeal this civil application does not survive and is disposed of.

(D.G. KARNIK J.)